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JUN 16 2008

USSN: 10/693,263

Art Unit: 3682; Examiner: Terence Boes

Amendment

Monday, 06/16/2008

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REMARKS**1. Status**

This Amendment is in response to the non-final Office action dated 12/14/2007 ("Office action").

2. Petition: No Fee for Claims

Enclosed with this Amendment is a Petition for Extension of Time under 37 C.F.R. 1.136(a), and copy thereof. Please grant the necessary extension of time and charge the associated fee to deposit account 04-0039.

The number of total claims, the number of independent claims and the number of dependent claims are not increased by this Amendment. There are no multiple dependent claims. No fee for claims is required.

3. Request for Entry of AMENDMENT

Each amended independent claim 1, 2 and 3 specifies the cylindrical shape of the handle bore and the spiral thread follower, and the resultant rotatable mounting of the handle to the spiral thread follower. The revisions are supported, for example, in Figures 74 and 76, which depict the mating circular cross-sections of the lower tube section 534 of the thread follower 532 and the bore 538 of the handle 530; and in Figures 71 and 72, which depict the rotatable assembly of the thread follower 532 and the handle 530.

In independent claim 2, two phrases are deleted. The first deleted phrase is the phrase at the end of paragraph (d): "for receiving application of an external force applied to the collar to prevent rotation of the spiral thread follower." The second deleted phrases is the following portion of paragraph (e): "mounted over and rotatably captured to the spiral thread follower such that the handle and the spiral thread follower move together when one is moved along the rod and the handle and the spiral thread follower having mating surfaces configured such that the spiral thread follower freely rotates around the handle in the absence of said external force."

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The above two deleted phrases are thought to be made redundant by the combination of (1) the revised language of claim 2 which specifies the cylindrical configuration of the handle bore and the spiral thread follower member and the mounting of the handle on the spiral thread follower, and (2) the whereby clause which comprises the last paragraph of claim 2.

Independent claim 6, as amended, specifies the retainer which cooperates with the collar to capture the handle to the spiral thread follower. This feature is shown, e.g., in Figures 72 and 74.

No new matter is involved. Entry of this Amendment is requested.

4. Request for Withdrawal of Rejections under 35 U.S.C. 102(b)

a. The Rejections

The Office action has withdrawn the previous rejection under 35 U.S.C. 112, but maintains the rejection of claims 1-3 and 6 (all claims under examination) under 35 U.S.C. 102(b) as being anticipated by US patent no. 4,759,398 to Renee (also "Renee" or "Renee '398").

The examiner relies upon Figs. 9-11 of Renee, which disclose an embodiment comprising body 50 and sleeve 57. The examiner takes the positions that body 50 and sleeve 57 rotate relative to one another and that Applicant's claims define the rotational capture feature using functional language.

b. Patentability of Claims 1-3 and 6/3 over Renee

The rejection of claims 1-3 and 6 is traversed. Reconsideration and withdrawal are requested for at least the reasons discussed below.

As discussed at length in previous amendments, including the amendment dated 09/17/2007, (1) Renee does not mention rotation of the body 50 and sleeve 57 relative to one another; (2) the operation of the Renee device requires that the body 50 and sleeve 57 do not rotate relative to one another, and (3) the Renee device is configured so that rotation of the body 50 and sleeve 57 is prevented.

As amended, independent claims 1, 2 and 3 now specify in part a spiral thread follower, a handle having a bore therethrough, and that the spiral thread follower and the handle bore are mating cylinders, as the result of which the handle is rotatably mounted or captured to the handle and vice versa. Dependent claim 6 incorporates the combination of claim 3 and adds thereto a retainer for

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the handle member. The rotatable mounting is defined by and results from these recited structural features. It is submitted the rotatable mounting is thus not functional and that Renee does not teach or suggest the combinations specified in claims 1-3 and 6/3.

Reconsideration and withdrawal are requested of the Office statements and position that Renee's stationary handle/body and sleeve teach the rotational spiral thread follower and handle of Applicant's claims 1-3. Reconsideration and withdrawal are requested of the Office statements and position that the rotational mounting language specified in claims 1-3 and incorporated in claim 6/3 is functional.

Reconsideration and withdrawal of the rejection of claims 1, 2, 3 and 6/3 under 35 U.S.C. 102 are requested.

5. Summary and Action Requested

Entry of this Amendment is again requested. Reconsideration of and withdrawal of the rejections of claims 1-3 and 6/3 under 35 U.S.C. 102 are again requested. Allowance of claims 1-3 and 6/3 is requested.

Respectfully submitted,

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